

JOURNAL OF THE HOUSE.

Monday, May 6, 2013.

Met according to adjournment at eleven o'clock A.M., in an Informal Session, with Mr. Kafka of Stoughton in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Kafka), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag. Pledge of allegiance.

Messages from the Governor.

A message from His Excellency the Governor submitting requests for making appropriations for the fiscal year 2013 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3451), was filed in the office of the Clerk on Friday, May 3. Supplemental appropriations.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

A message from His Excellency the Governor recommending legislation relative to implementing the Affordable Care Act and providing further access to affordable health care (House, No. 3452), was filed in the office of the Clerk on Friday, May 3. Affordable Care Act,—implementation.

The message was read; and it was referred, under Rule 30, with the accompanying draft of a bill, to the committee on Ways and Means.

Guests of the House.

At the beginning of the session, the Chair (Mr. Kafka of Stoughton), declared a brief recess and introduced students from Matt Carey's Billerica Memorial High School Civics Class. At the invitation of the Chair, the students participated in the pledge of allegiance to the flag. They were the guests of Mr. Lombardo of Billerica. Billerica High School Civics Class.

During the session, the Chair (Mr. Kafka of Stoughton), declared a brief recess and introduced Donald C. K. Tong, Commissioner of the Hong Kong Economic and Trade Office; Anita Chan, Director of the Hong Kong Economic and Trade Office in New York; Paul Cheung, Deputy Director of the Hong Kong Economic and Trade Office in New York; and Claudia Yneng. They were the guests of Messrs. Wong of Saugus and Chan of Quincy. Hong Kong Economic and Trade Office.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Poirier of North Attleborough) congratulating Maria Michela Mastrodomenico Finocchi on her one hundredth birthday; Maria Finocchi.

Daniel
Rudd.

Resolutions (filed by Mr. Barrows of Mansfield) congratulating Daniel Rudd on receiving the Eagle Award of the Boy Scouts of America; and

Goddard Day
legislation.

Resolutions (filed by Mr. Frost of Auburn) recognizing the fifteenth anniversary of the Dr. Robert Goddard Day legislation becoming law;

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Provost of Somerville, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following order (filed by Mr. Jones of North Reading) was adopted:

Independent
redistricting
commission.

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to creating an independent redistricting commission (House, No. 60), — with reference to which the committee on Election Laws has reported that the amendment ought NOT to pass.

The following order (filed by Mr. Kaufman of Lexington) was adopted:

Governor and
Lieutenant-
Governor,—
vacancies.

Ordered, That the House of Representatives hereby calls for a joint session of the two Houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to vacancies in the office of Governor or Lieutenant Governor (House, No. 61), — with reference to which the committee on Election Laws has reported that the amendment ought to pass.

The following order (filed by Mr. Straus of Mattapoisett) was adopted:

Absentee
voting.

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to absentee voting by qualified voters of the Commonwealth (House, No. 63), — with reference to which the committee on Election Laws has reported that the amendment ought to pass.

The following order (filed by Mr. Jones of North Reading) was adopted:

Eminent
domain.

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to prohibiting eminent domain takings (House, No. 66), — with reference to which the committee on the Judiciary has reported that the amendment ought NOT to pass.

The following order (filed by Mr. Rushing of Boston) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to the subject matter of initiative petitions (House, No. 67), — with reference to which the committee on the Judiciary has reported that the amendment ought NOT to pass.

Initiative
petitions.

The following order (filed by Ms. Story of Amherst) was adopted:

Ordered, That the House hereby calls for a joint session of the two houses, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, for the purpose of considering a proposal for a legislative amendment to the Constitution relative to the retirement of judges (House, No. 68), — with reference to which the committee on the Judiciary has reported that the amendment ought NOT to pass.

Judges,—
retirement.

Petitions.

A petition of Eugene L. O’Flaherty (accompanied by bill, House, No. 3453) relative to the designated port area in the Charlestown section of the city of Boston (having been returned by the State Secretary, under the provisions of Chapter 3 of the General Laws with memorandum relative thereto), was referred to the committee on Environment, Natural Resources and Agriculture. Sent to the Senate for concurrence.

Boston,—
Charlestown
designated
port area.

Petitions severally were presented and referred as follows:

By Mr. DiNatale of Fitchburg, a petition (accompanied by bill, House, No. 3448) of Stephen L. DiNatale and Jennifer L. Flanagan (with the approval of the mayor and city council) for legislation to grant an additional license for the sale wines and malt beverages in the city of Fitchburg. To the committee on Consumer Protection and Professional Licensure.

Fitchburg,—
alcoholic
beverages.

By Ms. Cole of Peabody, a petition (accompanied by bill, House, No. 3449) of Leah Cole, Theodore C. Speliotis and Joan Lovely (with the approval of the mayor and city council) for legislation to exempt the chief of police of the city of Peabody from the provisions of the civil service law; and

Peabody,—
civil
service.

By Representative Provost of Somerville and Senator Jehlen, a joint petition (accompanied by bill, House, No. 3450) of Denise Provost, Patricia D. Jehlen and others (with the approval of the mayor and city council) that the mayor of the city of Somerville be authorized to posthumously appoint Sean A. Collier a police officer in said city;

Somerville,—
Sean A.
Collier.

Severally to the committee on Public Service.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The following order was adopted, in concurrence:

Ordered, That, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, a joint session of the two Houses be held on Wednesday, May 8, 2013, at eleven o’clock A.M., for the purpose of considering proposals for amendments to the Constitution.

Constitutional
convention.

Constitutional convention.

Insofar as applicable, the special rules of procedure, in effect in the preceding General Court, shall govern said joint session, and any further sessions called for the purpose of considering amendments to the Constitution.

Reports

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Pet sales.

Of the petition (accompanied by bill, Senate, No. 401) of Karen E. Spilka, Kathi-Anne Reinstein, Thomas M. Stanley, Denise Provost and other members of the General Court for legislation to protect animals during pet sales; and

Newbury,— building support.

Of the petition (accompanied by bill, Senate, No. 402) of Bruce E. Tarr and Leonard Mirra (by vote of the town) for legislation relative to authorizing the relocation, replacement, reconstruction and maintenance of a piling supported building in the town of Newbury;

And recommending the same severally be referred to the committee on Municipalities and Regional Government.

Children,— flame retardants.

Of the petition (accompanied by bill, Senate, No. 351) Cynthia S. Creem, Carolyn C. Dykema and Tom Sannicandro for legislation to protect children and families from harmful flame retardants,— and recommending the same be referred to the committee on Public Health.

Emergency service providers.

Of the committee on the Judiciary asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 834) of James E. Timilty for legislation relative to critical incident intervention by emergency service providers,— and recommending the same be referred to the committee on Public Safety and Homeland Security.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence.

Notice was received that, conformably to the provisions of Article XLVIII (as amended by Article LXXXI) of the Amendments to the Constitution, the Senate had called for consideration in the joint session of the two Houses following proposals for legislative amendments to the Constitution:

Constitution,— early voting.

Proposal for a legislative amendment to the Constitution relative to absentee and early voting by voters of the Commonwealth (see Senate, No. 12), with reference to which the committee on Election Laws has reported, recommending that the amendment ought to pass.

Constitution,— graduated income tax.

Proposal for a legislative amendment to the Constitution allowing for a graduated income tax (see Senate, No. 17), having been reported ought NOT to pass from the committee on Revenue (under Joint Rule 23), the time within which the committee was required to report having expired.

Constitution,— eminent domain.

Proposal for a legislative amendment to the Constitution to prohibit eminent domain (see Senate, No. 14), with reference to which the committee on the Judiciary has reported, recommending that the amendment ought NOT to pass;

Constitution,— Executive Council.

Proposal for a legislative amendment to the Constitution relative to the reform of the Executive Council (see Senate, No. 15), with reference to which the committee on the Judiciary has reported, recommending that the amendment ought NOT to pass;

Proposal for a legislative amendment to the Constitution to require a supermajority vote for the utilization of rainy day funds (see Senate, No. 18), with reference to which the committee on the State Administration and Regulatory Oversight has reported, recommending that the amendment ought NOT to pass; Constitution,—
rainy day
funds.

Proposal for a legislative amendment to the Constitution relative to creating an independent redistricting commission (see House, No. 60), with reference to which the committee on Election Laws has reported, recommending that the amendment ought NOT to pass; and Constitution,—
redistricting
commission.

Proposal for a legislative amendment to the Constitution relative to prohibiting eminent domain takings (see House, No. 66), with reference to which the committee on the Judiciary has reported, recommending that the amendment ought NOT to pass. Constitution,—
eminent
domain.

Reports of Committees.

By Ms. Peake of Provincetown, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing the town of Groton, acting by and through its Board of Selectmen and Board of Water Commissioners, to convey a conservation restriction on certain parcels of land to the Division of Fisheries and Wildlife by its Department of Fish and Game (House, No. 1841) [Local Approval Received]. Read; and referred, under Rule 33, to the committee on Ways and Means. Groton,—
land.

By Mr. Michlewitz of Boston, for the committee on Public Service, on a joint petition, a Bill establishing a sick leave bank for Thomas Mulvey, an employee of the Department of Housing and Community Developments [sic] (House, No. 3447). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling. Thomas
Mulvey,—
sick leave.

Emergency Measures.

The engrossed Bill establishing a sick leave bank for Stephan Dupras, an employee of the Department of Mental Health (see Senate, No. 1754), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble. Stephan
Dupras,—
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

The engrossed Bill establishing a sick leave bank for Patricia Capozzili, an employee of the Department of Correction (see Senate, No. 1762, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble. Patricia
Capozzili,—
sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Jacqueline
Eld,—
sick leave.

The engrossed Bill establishing a sick leave bank for Jacqueline Eld, an employee of the Trial Court (see House, No. 3328, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Transporta-
tion,—
financing

The engrossed Bill financing improvements to the Commonwealth's transportation system (see House, No. 3379, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 6 to 0. Sent to the Senate for concurrence.

Elaine
Provencher,—
sick leave.

The engrossed Bill establishing a sick leave bank for Elaine Provencher, an employee of the Department of Public Health (see House, No. 3384), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Orders of the Day.

House bills

Third
reading
bills.

Authorizing the town of Framingham to place municipal charge liens on certain properties in the town of Framingham for nonpayment of any local charges, fee or fine (House, No. 3358);

Establishing a sick leave bank for Marie Alito, an employee of the Middlesex Family and Probate Court (House, No. 3440) (its title having been changed by the committee on Bills in the Third Reading); and

Establishing a sick leave bank for Carmen Berry, an employee of the Department of Children and Families (House, No. 3443);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

At twenty-eight minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Kafka of Stoughton being in the Chair), the House adjourned, to meet the following Wednesday at eleven o'clock A.M., in an Informal Session.